

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN W. TOBIN,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON and
LIBERTY MUTUAL
INSURANCE COMPANY,

Defendants.

Civil Action No. 05 CV 11179DPW

**DEFENDANTS' MOTION FOR COSTS, FEES AND
SANCTIONS UNDER FED. R. CIV. P. 11 AND 28 U.S.C. §1927**

Pursuant to Fed. R. Civ P. 11 and 28 U.S.C. §1927, Defendants Liberty Mutual Insurance Company ("Liberty Mutual") and Liberty Life Assurance Company of Boston ("Liberty Life") hereby move that this Court award them their reasonable costs and expenses, including attorneys' fees, incurred in defending Plaintiff Kevin W. Tobin's ("Tobin") latest claims asserted in Tobin v. Liberty Life, et al., C.A. No. 05 CV 11179DPW. Defendants further request that this Court order sanctions against Tobin's counsel, Frisoli and Frisoli. In support of this motion, defendants rely upon their *Memorandum in Support of Defendants' Motion for Costs, Fees and Sanctions under Fed. R. Civ. P. 11 and 28 U.S.C. §1927* and the *Affidavit of Richard E. Bowman* filed herewith.

WHEREFORE, defendants Liberty Mutual and Liberty Life respectfully request that this Court sanction Tobin's counsel for filing and pursuing this action and award defendants their costs and expenses, including attorneys' fees, in defending against this action.

Respectfully submitted,

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON and
LIBERTY MUTUAL
INSURANCE COMPANY,

By their attorneys,



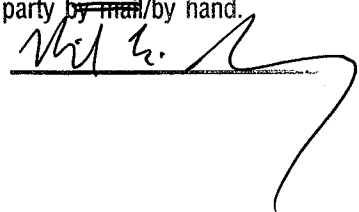
Alan D. Rose (BBO#427280)
Richard E. Bowman (BBO# 645245)
ROSE & ASSOCIATES
29 Commonwealth Avenue
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Tel: 617-536-0040
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Date: August 15, 2005

CERTIFICATE OF SERVICE

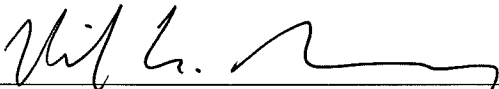
I hereby certify that on this day a true copy of
the above document was served upon the attorney
of record for each party ~~by mail~~/by hand.

Date: 8/15/05



CERTIFICATE OF CONCURRENCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), I hereby certify that on or about August 11, 2005, I spoke with plaintiff's counsel, Frank J. Frisoli, in an effort to resolve or limit the issues presented by this motion. I further certify that we were unable to resolve or limit the issues presented herein.



Richard E. Bowman